

Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders, Proclamations of General Applicability, and ceremonial dedications issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

*** ARIZONA ARCHAEOLOGY AND HERITAGE AWARENESS MONTH ***

[M14-19]

WHEREAS, Arizona's heritage is rich in cultural diversity as represented by numerous archaeological, historical, and traditional (Native American and other ethnicities) sites within our State; and

WHEREAS, preservation of prehistoric and historic archaeological sites, as well as traditional properties, provides significant educational, cultural, and economic benefits to all citizens; and

WHEREAS, all citizens of Arizona are encouraged to be aware of the fragility of our cultural resources and to take an active part in their protection; and

WHEREAS, knowledge and understanding of our past is threatened by wanton and illegal destruction of archaeological sites and traditional properties by pothunters and vandals; and

WHEREAS, many professional and avocational archaeologists, Native Americans, and other citizens volunteer their time and efforts to preserve and protect Arizona's unique archaeological resources; and

WHEREAS, through the Governor's Archaeology Advisory Commission and the volunteer Site Steward Program, the State has joined with city, county, federal, and tribal officials, museums, archaeologists, historians, private citizens, and others to enhance public awareness of and concern for protecting Arizona's rich cultural heritage; and

WHEREAS, Archaeology and Heritage Awareness Month provides an opportunity for all Arizonans to reflect on our past and the role archaeologists and historians play in revealing and understanding the unique legacy of our State; and

WHEREAS, the theme of this year's celebration is "From Desert to Mountain: Valuing our Heritage" as a special effort to raise awareness about Arizona's history.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim March 2014 as

*** ARIZONA ARCHAEOLOGY AND HERITAGE AWARENESS MONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this fourteenth day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** ARIZONA BOYS AND GIRLS CLUB DAY ***

[M14-44]

WHEREAS, Arizona Boys and Girls Clubs operate 70 neighborhood clubhouses in 38 cities, 13 counties, 10 Native American communities, and all five military bases throughout Arizona; and

WHEREAS, Arizona Boys and Girls Clubs provide year-round programs in five Core Service Areas: Education & Career Development; Character & Leadership Development; Health & Life Skills; The Arts; and Sports, Fitness & Recreation; and

WHEREAS, Boys and Girls Clubs in Arizona serve 126,000 Arizona children annually; and

WHEREAS, Boys and Girls Clubs exemplify the spirit of Arizona volunteerism through a diverse network of local, state, and national volunteers committed to improving the lives of over 3 million young people in America; and

WHEREAS, Boys and Girls Clubs have been investing in Youth Development generally at the local level for the past 60 years in Arizona, setting a shining example of what strong private and public partnerships can accomplish when Arizona communities step up to its responsibilities.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim April 1, 2014 as

*** ARIZONA BOYS AND GIRLS CLUB DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this tenth day of February in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** ARIZONA ELECTRICAL SAFETY MONTH ***

[M14-21]

WHEREAS, thousands of people are injured and hundreds die each year in the United States as a result of electrical-related incidents; and

WHEREAS, more than six people are electrocuted each week in the United States; and

WHEREAS, property damage from home fires caused by electrical failure or malfunction amounts to more than \$1.4 billion annually; and

WHEREAS, following basic electrical safety precautions can help prevent thousands of people from being injured or killed; and

WHEREAS, citizens are encouraged to inspect their homes and workplaces for possible electrical hazards, and urged to install, test and properly maintain an adequate number of smoke alarms; and

WHEREAS, citizens are advised to protect their homes and families with the latest safety technology, such as ground fault circuit interrupters, arc fault circuit interrupters, and tamper resistant receptacles; and

WHEREAS, the Electrical Safety Foundation International (ESFI) is dedicated exclusively to promoting electrical safety in the home, school, and workplace through education, awareness, and advocacy.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 2014 as

*** ARIZONA ELECTRICAL SAFETY MONTH ***

and, I further encourage the citizens of the State of Arizona to follow good electrical safety practices throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be

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affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this fourteenth day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** ARIZONA SAFE DIGGING MONTH ***

[M14-22]

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage by those who fail to have underground lines located prior to digging; and

WHEREAS, undesired consequences such as service interruption, damage to the environment, personal injury, and fatality are the potential results; and

WHEREAS, in 2005, the Federal Communications Commission designated 811 to provide potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site; and

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and digging with care around the marks; and

WHEREAS, safe digging is no accident and all parties agree that safe digging is a shared responsibility.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim April 2014 as

*** ARIZONA SAFE DIGGING MONTH ***

and, I further encourage excavators and homeowners throughout Arizona to always call 811 before digging.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this fourteenth day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** ARIZONA YOUTH WEEK ***

[M14-28]

WHEREAS, the Elks Lodges of the State of Arizona will observe the first week in May as Elks National Youth Week in tribute to our Junior Citizens, honoring them for their achievements and contributions to the life of the community, State and Nation; and

WHEREAS, these young people represent the Nation's future and in the years ahead they will assume responsibility for the advancement of our free society; and

WHEREAS, our youth need guidance, inspiration and encouragement, which we must give in order to develop those qualities of character essential for future leadership, and to go forth to serve America; and

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WHEREAS, all Elks Lodges recognize the youth in our communities with projects, scholarship programs for high school seniors, and after prom events; and

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with youths, our understanding of their hopes and aspirations, and a sincere willingness to help prepare them for the responsibilities and opportunities of citizenship.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 1 - 7, 2014 as

* **ARIZONA YOUTH WEEK** *

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this sixteenth day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

* **AUTISM AWARENESS MONTH** *

[M14-38]

WHEREAS, in the United States, more than one-half million individuals live with autism, making it more prevalent than Down Syndrome, childhood diabetes, and childhood cancer combined, and is on the rise in Arizona and across the country; and

WHEREAS, autism is a complex neurobiological developmental disorder that manifests during the first three years of life; and

WHEREAS, accurate, early diagnosis, appropriate education and interventions are vital to the growth and development of the individual, and

WHEREAS, quality, affordable and accessible autism habilitation, workshop, training and attendant care contributes to the well-being and quality of life for all citizens of Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim April 2014 as

* **AUTISM AWARENESS MONTH** *

and, I further encourage all citizens to work together with their healthcare team to ensure delivery of more efficient and effective services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-ninth day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

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*** FIX A LEAK WEEK ***

[M14-33]

WHEREAS, Arizona is located in the Sonoran Desert, making water supplies an important resource to our economy, quality of life, and future; and

WHEREAS, fixing common household leaks, which include leaking toilet flappers, dripping faucets, broken sprinklers, and other leaking valves, can save homeowners 10 percent or more on their monthly utility bills; and

WHEREAS, it is estimated that homes in the United States leak over one trillion gallons of water per year, averaging 10,000 gallons of water per house, and 10 percent of homes that leak an average of 90 gallons of water or more per day; and

WHEREAS, WaterSense is a partnership program sponsored by the United States Environmental Protection Agency (EPA) to protect the future of our nation's water supply by promoting and enhancing the market for water-efficient products and services; and

WHEREAS, the Arizona Municipal Water Users Association (AMWUA) and its member cities; Avondale, Chandler, Gilbert, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, and Tempe are championing the cause for finding and fixing leaks, both indoor and outdoor; and

WHEREAS, AMWUA, municipalities, private utilities, state agencies, organizations, businesses, and residents throughout Arizona work to eliminate leaks and to use water efficiently in order to ensure water supplies for future generations.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim March 17 - 23, 2014 as

*** FIX A LEAK WEEK ***

and, I further encourage all citizens of Arizona to pledge to find and repair leaks and to use water efficiently.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this sixteenth day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** LITHUANIAN DAY ***

[M14-39]

WHEREAS, the Lithuanian State was formed by King Mindaugas in the year 1240; and

WHEREAS, Lithuania was independent for 555 years until 1795, when it was annexed by the Russian Empire; and

WHEREAS, after a 122 year struggle against the Russian occupation, Lithuania regained its independence at the end of World War I in 1918; and

WHEREAS, World War II brought long years of occupation by the Soviet Union; and

WHEREAS, Lithuanians started the collapse of the Soviet Union by being the first to declare their independence on March 11, 1990; and

WHEREAS, the United States of America is a beacon of freedom to the world and as Americans, we celebrate the return of freedom in Lithuania.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim March 11, 2014 as

*** LITHUANIAN DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-ninth day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** RED CROSS MONTH ***

[M14-45]

WHEREAS, March is American Red Cross Month, a special time to recognize and thank our Everyday Heroes, those who reach out to help their neighbors when they are in need; and

WHEREAS, American Red Cross heroes are on the front lines every day, and they volunteer their time, give blood, take life-saving courses or provide financial donations to help those in need; and

WHEREAS, it is most appropriate to remember the heroes who help people in need. These heroes work tirelessly to help in time of disaster, when someone needs life-saving blood, or the comfort of a helping hand; and

WHEREAS, volunteers provide round-the-clock support to members of our military, veterans and their families, and teach lifesaving classes in CPR, aquatics safety and first aid; and

WHEREAS, across the country and around the world, the American Red Cross responded to wildfires, hurricanes, tornadoes, floods, the Boston Marathon tragedy, typhoon Haiyan in the Philippines, and in Arizona, Red Crossers came to Yarnell from all over the nation, to assist in one of our darkest times, bringing aid and comfort when we needed it most; and

WHEREAS, when an injured service member ended up in a hospital far from home, the American Red Cross offered comfort and when a hospital patient needed blood, American Red Cross blood donors helped them, and when a lifeguard jumped in to save a drowning child or someone stepped up to help a heart attack victim, the American Red Cross was there; and

WHEREAS, it is appropriate to designate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Arizona depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim March 2014 as

*** RED CROSS MONTH ***

and, I further encourage all citizens to support the American Red Cross and its noble humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this tenth day of February in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** RED LIGHT RUNNING AWARENESS MONTH ***

[M14-34]

WHEREAS, red light, yield and stop sign running is the leading cause of urban crashes; and

WHEREAS, motorists, passengers and pedestrians are more likely to be injured or killed in crashes caused by red light running than any other type; and

WHEREAS, in Arizona, there are nearly 6,000 red light and stop sign crashes each year; and

WHEREAS, there are 7.35 people injured every day in Arizona due to red light and stop sign running crashes and 3.25 are killed in Arizona every month due to red light and stop sign running crashes; and

WHEREAS, the Red Means Stop Traffic Safety Alliance, John C. Lincoln Hospital, State Farm Insurance Company, Driving MBA, the Governor's Office of Highway Safety, and other local agencies are advocating for the awareness and prevention of red light running crashes.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim March 2014 as

*** RED LIGHT RUNNING AWARENESS MONTH ***

and, I further encourage all residents to support the efforts to raise awareness to the dangers of red light running, and to do all they can to stop red light running on our roadways.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-seventh day of January in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

*** TRiO DAY ***

[M14-46]

WHEREAS, the Federal TRiO programs (TRiO) are federal outreach and student services programs designed to identify and provide services for individuals from disadvantaged backgrounds; and

WHEREAS, TRiO programs provide capable students who have become vulnerable to failure in the academic setting with encouragement, support, hope and skills needed to succeed in college; and

WHEREAS, TRiO programs shift education from an impossible dream to a genuine opportunity for personal and professional development by providing a bridge back to academic life; and

WHEREAS, there are 36 programs in the State of Arizona Regional TRiO Consortium that have individually sought funding, have consistently made a commitment to the TRiO philosophy of providing access to underrepresented groups, and have demonstrated a commitment to the TRiO network of programs. These 36 TRiO programs promote success and empowerment of underrepresented students, and have a significant and positive effect upon student relation and graduation rates within their respective institutions; and

WHEREAS, TRiO programs are an integral part of the support service system directed to junior high, high school, college, post-baccalaureate and returning adult learners including veterans with low incomes, some of whom are first generation college attendees, or students with disabilities; and

WHEREAS, these 36 TRiO programs have provided invaluable educational assistance to Arizona and to students who are

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matriculated members of Educational Opportunity Centers, Ronald E. McNair Postbaccalaureate Achievement, Student Support Services, Talent Search, Upward Bound, Upward Bound Math-Science, and Veterans Upward Bound; and

WHEREAS, in the provision of services to over 9,000 students collectively each year, the 36 TRiO programs form a cohesive network of support and opportunity.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim March 22, 2014 as

*** TRiO DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this tenth day of February in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:

Ken Bennett
Secretary of State

EXECUTIVE ORDER 2014-02
Sustainment of Arizona's Military Installations

[M14-37]

WHEREAS, Arizona Revised Statute (A.R.S.) § 26-261 outlines certain responsibilities and authorities for the Military Affairs Commission; and

WHEREAS, A.R.S. §§ 26-101 and 26-102, outline certain responsibilities and authorities for the Department of Emergency and Military Affairs, under the authority of the Adjutant General, subject to powers vested in the Governor as provided by law; and

WHEREAS, significant organizational changes have occurred in the United States Department of Defense's (DoD) force structure and deployment of resources; and

WHEREAS, the diverse network of military installations located in Arizona provide the DoD with cost-effective training environments; high-quality research, test, and evaluation ranges, including the Barry M. Goldwater Range – one of the nation's largest and most valued training facilities; vital low-level and high-level military restricted airspace; and unparalleled access to excellent weather; and

WHEREAS, Arizona is uniquely positioned to continue to serve the DoD's long-term needs; and

WHEREAS, the sustainment of existing military installations in Arizona and the more than \$9 billion in economic impact from those operations provides a stable foundation and key component of Arizona's economy.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and the laws of this state, hereby order and direct the following:

1. The Military Affairs Commission shall meet as necessary to develop strategies and provide recommendations on issues impacting Arizona's military installations. The Commission's tasks shall include but not be limited to:
 - a. Engage with chambers of commerce, local military affairs committees, and business leaders to leverage participation and contacts.
 - b. Recommend executive, legislative, and federal actions necessary to sustain current military operations in Arizona and enhance the State's preparedness to respond to potential new missions.
 - c. Recommend executive, legislative, and federal actions necessary to provide additional value to the DoD through Arizona's military installations and to prevent military installations from closure or downsizing.
 - d. Determine the continued viability of Arizona's military installations, training routes, restricted airspace, ranges, or any areas under the jurisdiction of an active unit or of a reserve component of the DoD.

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- e. Identify any mission encroachment obstacles resulting from such items as urban growth, land use, and airspace restrictions.
- f. Identify linkages between the various installations' existing mission functions and the highlighted critical national security objectives contained in the most recent Quadrennial Defense Review Report.
- g. Determine what action the State could take to assist the installations in adopting new capabilities to obtain new or expanded missions.
- h. Recommend any State actions to be undertaken at the federal level to demonstrate support for the existing military installations.
- i. Develop, with the assistance and support of other State agencies, an independent estimate of the current economic and fiscal benefits of the key military operations located in Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-eighth day of January in the Year Two Thousand Fourteen and of the Independence of the United States of America the Two Hundred and Thirty-Eighth.

ATTEST:

Ken Bennett
Secretary of State

EXECUTIVE ORDER 2014-03

Authority to Conduct Credit Checks and Receive Criminal History Record Information

[M14-43]

WHEREAS, the Director of the Arizona Department of Administration (ADOA) is responsible for the direction and control of personnel administration for all Arizona State Personnel System (ASPS) agencies, boards and commissions, including adopting rules and procedures relating to the recruitment, selection and appointment process of eligible applicants; and

WHEREAS, the ADOA Director established ASPS Rule R2-5A-303 and ASPS Statewide Policy ASPS/HRD-PA3.03, which prohibit state agencies that are part of the ASPS from conducting criminal background checks or credit checks unless the agency has statutory or executive order authority authorizing such a check; and

WHEREAS, the ADOA Director pursuant to A.R.S. § 41-710 shall receive state and federal criminal history information for applicants and personnel employed in information technology positions in ADOA if the Director determines that it is necessary to ensure the privacy, confidentiality or integrity of data within ADOA's control; and

WHEREAS, the Arizona State Lottery handles sensitive financial matters and, pursuant to Executive Order No. 81-2, is already authorized to receive criminal history record information for purposes of employment in accordance with the rules and regulations issued by the Department of Public Safety (DPS), and the Director of the Arizona State Lottery has a duty to perform employee background checks pursuant to A.R.S. § 5-556; and

WHEREAS, the Public Safety Personnel Retirement System (PSPRS) has a fiduciary duty and responsibility for the management and preservation of the retirement trust fund for Arizona's elected officials, judges, correction officials, and public safety officers, including police and firefighters; and

WHEREAS, the Arizona State Retirement System (ASRS) has a fiduciary duty and responsibility for the management and preservation of the retirement trust fund for many Arizonans within the public sector workforce; and

WHEREAS, persons employed by the ASRS and the PSPRS have significant access to assets and sensitive financial information and a responsibility to protect and preserve the trust fund; and

WHEREAS, the Arizona Department of Financial Institutions (ADFI) has access to sensitive information about financial institutions and enterprises and, pursuant to A.R.S. §§ 6-123 and 6-123.01, is already authorized to receive criminal history record information for any applicant, licensee, active manager, responsible individual, organizer, director or officer of any corporate applicant or licensee; and

WHEREAS, noncriminal justice agencies of this State employ, hire or retain personnel who have access to investment-related information, financial data, personnel information or other sensitive/confidential personal/financial records to which access is typically restricted by virtue of applicable federal or state laws, rules or regulations, and it is in the best interests of the State to inquire into the character and past criminal conduct of employees or job applicants who would have access to such sensitive data/information/records; and

WHEREAS, the DPS maintains a Central State Repository pursuant to A.R.S. § 41-1750 for the purpose of procuring and maintaining information concerning arrests and convictions of persons for public offenses in Arizona; and

WHEREAS, the DPS is authorized pursuant to A.R.S. § 41-1750 to provide Arizona criminal history record information to noncriminal justice State agencies for the purpose of evaluating the fitness of prospective and current employees; and

WHEREAS, noncriminal justice State agencies may receive criminal history record information from the DPS pursuant to A.R.S. § 41-1750 and DPS rules by specific authorization granted by statute, ordinance or executive order.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Arizona Constitution and pursuant to A.R.S. § 41-1750 and the requirements of A.A.C. R2-5A-303, hereby authorize, subject to all existing state and federal laws, rules and regulations regarding criminal records and the performance of credit checks:

1. The ADOA to conduct criminal background checks and credit checks on all current ADOA employees, or applicants for ADOA employment, who have or would have, access to any ADOA administered database containing sensitive/confidential financial, personal or personnel information.
2. The ADOA Director to require agencies to conduct criminal background checks, credit checks, and pre-employment verification of qualifications prior to any ADOA authorization for access by a non-ADOA employee to any ADOA administered database containing sensitive/confidential financial, personal or personnel information.
3. The Arizona State Lottery to perform credit checks on applicants for State Lottery employment, and on current State Lottery employees with sales, marketing, or contracting duties, or with access to sensitive Lottery records or information.
4. The PSPRS to perform criminal background checks, credit checks, and pre-employment verification of qualifications prior to hiring any applicant for employment by the PSPRS; to perform criminal background checks on employees currently employed by the PSPRS; and to perform credit checks on employees currently employed by the PSPRS in positions requiring discretion to make financial and/or investment decisions.
5. The ASRS to perform criminal background checks, credit checks, and pre-employment verification of qualifications prior to hiring any applicant for employment by the ASRS; to perform criminal background checks on employees currently employed by the ASRS; and to perform credit checks on employees currently employed by the ASRS in positions requiring discretion to make financial and/or investment decisions.
6. The ADFI to perform criminal background checks prior to hiring any applicant for employment by the ADFI, and for current employees of the ADFI having access to personal financial information or confidential personal or business information.
7. The DPS to provide criminal history records information (upon receipt of applicant fingerprint cards and fees) to the Directors of the following agencies for the purposes specified:
 - a. ADOA for all ADOA and non-ADOA personnel seeking access to any ADOA administered database containing sensitive/confidential financial, personal or personnel information;
 - b. Any state agency required by ADOA to complete a criminal background check on an agency employee, or applicant for employment, before that person would be authorized access to any ADOA administered database containing sensitive/confidential financial, personal or personnel information;
 - c. The PSPRS for all prospective and current employees;
 - d. The ASRS for all prospective and current employees; and
 - e. The ADFI for all prospective employees, and current employees having access to personal financial information or confidential personal or business information.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

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DONE at the Capitol in Phoenix on this fifth day of February in the Year Two Thousand Fourteen and of the Independence of the United States of America the Two Hundred and Thirty-Eighth.

ATTEST:

Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-03

State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2014, as a notice to the public regarding state agencies' rulemaking activities.

[M12-226]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State hereby declare the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is to eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2014 or is necessary under subparagraph (c) of this paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant

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- to section 41-1005, Arizona Revised Statutes.
- h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the Corporation Commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making process.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the office of the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person," "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.
9. This Executive Order expires on December 31, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 26th day of June in the year Two Thousand Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State